

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.03.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.5546 of 2016

M/s. TLT Babcock India Pvt. Ltd
represented by its Senior Manager(Production)
Mr.K.S.Mani
Survey No. 127-130
Near Kagganur Village
NH-207, Sarjapur-Bagalur road
Sevaganapalli (Post), Hosur Taluk
Krishnagiri, TN-653 103Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department
Secretariat, Chennai-600 009
- 2 Director of Town and Country
Planning, 807, Anna Salai, Chennai-600 002
- 3 Member Secretary
Hosur New Town Development Authority, Hosur
- 4 The President Village
Panchayat Union, Sevaganapalli Village, Hosur
- 5 The Block Development
Officer, Panchayat Union, Hosur ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the 1st Respondent to pass appropriate orders in the application filed by the Petitioner for re-classification of the land in survey Nos 127/5C2 127/6A 127/6B 127/7 and 130/1A2B situated at and Chokkarasanapalli Village, Sevaganapalli Panchayat, Hosur, Krishnagiri District.

For Petitioner : Mr.S.Maheshkumar
For Respondents : Mr.R.Rajeswaran, Spl. G.P.

O R D E R

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. Petitioner is a company registered under the Companies Act 1956, seeking for a direction from the 1st respondent to reclassify the land in S.Nos. 127/5C2 127/6A 127/6B 127/7 and 130/1A2B situated at and Chokkarasanapalli Village Sevaganapalli Panchayat Hosur Krishnagiri District from agricultural to industrial purpose by exercising the powers under the provisions of the Tamilnadu Town and Country Planning Act, 1971.

3. The petitioner is an engineering company providing lifetime solutions in various aspects of industries and it is a subsidiary of a multi national company Howden, which has global presence and has invested in several countries. They manufacture specialized equipments for power, mining and allied Industries and has established its manufacturing unit at Sevaganapalli post, Hosur Taluk, Krishnagiri District. During 2009, the petitioner sought to establish an assembly plant for assembling and testing of axial and centrifugal plant, for which purpose they purchased dry agricultural land measuring an extent of 4 acres and 67 cents comprised in Survey number mentioned supra (herein after referred to as the subject land). As the petitioner sought to utilize the agricultural land for industrial purpose they requested the Tahsildar, Hosur, to issue a no objection certificate for establishing the assembly plant and submitted documents along with such request being sale deeds, computer generated chitta, adangal and FMB sketch. Parallely the petitioner also applied to the 4th respondent requesting for a no objection certificate for construction of the assembly plant and such application accompanied with the relevant documents. Simultaneously the petitioner also submitted a representation to the 3rd respondent requesting necessary permission.

4. The Tahsildar, Hosur, by proceedings dated 04.09.2010 issued a certificate stating that the subject property is not affected by any acquisition proceedings, it is not a Government poramboke land, does not belong to any religious or charitable trust, there is no high tension wire passing over it nor is it subject matter of any proceedings under the provisions of Tamilnadu Land Reforms Act, 1961 and is not hit by the provisions of the land ceiling act. The 4th respondent passed a resolution on 20.09.2010 approving the request made by the petitioner for conversion of the said land from agricultural use to industrial use. Based on such resolution, the 3rd respondent

examined the matter independently and after taking into consideration all the relevant matters, approved the proposal and forwarded the same to the 2nd respondent on 08.03.2011 for reclassification. The 2nd respondent by proceedings dated 06.04.2011 requested for certain clarifications from the 3rd respondent with regard to the subject land and this clarifications was duly answered by the 3rd respondent on 25.04.2011. Further it appears that there was a power line which was passing through a portion of the land and the petitioner informed the 3rd respondent after shifting of the power line. Taking note of all the reports the 2nd respondent forwarded the petitioners application and recommended reclassification of the lands to the 1st respondent by proceedings dated 21.06.2011. The 1st respondent on receipt of the said proceedings along with the recommendations of the 2nd respondent requested for certain clarifications vide proceedings dated 22.07.2011. Ultimately necessary clarification had to be given by the 3rd respondent and by proceedings dated 24.04.2015, the 3rd respondent has furnished the necessary clarification along with the supporting documents.

5. The petitioner in the affidavit filed in support of the writ petition has stated that based on such material which was furnished before the 3rd respondent, the 2nd respondent has with his recommendations forwarded the same to the 1st respondent and the matter is now pending before the 1st respondent.

6. In the light of the above facts, the 1st respondent has to take a decision in the matter, especially when the petitioner states that they are part of multinational company who are willing to invest in our State for establishing a manufacturing unit and therefore the request has to be processed with expedition, of course without compromising on the legal requirements that are to be complied with.

7. In the light of the above development taking into consideration that the matter is now pending with the 1st respondent, there will be a direction to the 1st respondent to take a decision on the petitioner's application for conversion of agricultural land into land for industrial use based on the recommendations which have been placed on record by the respondents 2 and 3. The 1st Respondent is directed to take a decision in the matter within a period of three months from the date of receipt of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
Housing and Urban Development Department
Secretariat Chennai-600 009
- 2 Director of Town and Country
Planning 807 Anna Salai Chennai-600 002
- 3 Member Secretary
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- 5 The Block Development
Officer Panchayat Union Hosur

+1 cc to M/s.Rohini Ravikumar, Advocate, sr.17851
+1 cc to Government Pleader, sr.18094

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